IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3033 OF 2005

Mr. Sanjay Karamsingh Advani
and anr. ..Petitioners
Vs.
Laveena Sanjay Advani and anr. ..Respondents

Mr. Kafil Khan for petitioners.
Mr. Ganesh Gole for respondent no.1.
Mr. D.R. More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 17, 2007.

P.C.:

1. Heard Mr. Khan the learned counsel for the petitioners. Mr.Gole the learned counsel appears for the respondent no.1.

2. The petitioner no.1 and respondent no.1 were married and after some time differences arose between them. The wife filed an FIR with the Mahim Police Station for the offence under Section 498-A read with Section 34 of IPC and on filing of the charge-sheet Criminal Case No.154/P/2003 came to be registered before the learned Addl. Chief Metropolitan

Magistrate, 9th Court at Bandra, Mumbai.

3. The wife had filed Petition No.A-548/04 for divorce and on notice the husband appeared and by consent the parties applied for divorce which has been granted by the Family Court at Mumbai on 5/10/2004. This divorce by mutual consent is also based on the consent terms signed between the parties on 20/5/2004 and placed on record before the Family Court. In the consent terms the wife had undertaken not to proceed with the criminal complaint she had filed against the husband and the in-laws. Mr.Gole the learned counsel for the respondent no.1 states,on instructions, that there is no objection in allowing this petition so as to quash the proceedings in C.C. No.154/P/2003.

4. Hence, the petition is allowed and the proceedings in C.C. No.154/P/2003 presently pending before the learned Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai are hereby quashed.

(B.H. Marlapalle,J.)